

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6954 of 2019**

- Sonu Sarthi, S/o Butiya Sarthi, Aged About 20 Years, R/o Ashok Nagar, Atal Awas, Sarkanda, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through: The Station House Officer, Police Station- Sarkanda, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant

: Mr. Ankit Hora, Adv.

For Respondent/State

: Ms. Akshara Amit, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13.01.2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 412/2019 registered at Police Station- Sarkanda, Bilaspur, Tahsil and District Bilaspur (C.G.) for the offence punishable under Sections 457, 380, 34 of I.P.C.
2. The prosecution story, in brief is that, on 25.04.2019, at 10.00 PM after hanging my paint on the dressing, I was asleep after having dinner. At about 2.00 AM, when he came out of the house to urinate, the accused Aditya Pandey @ Goldi was seen walking near the house, later he came to urinate and fell asleep and got up in the morning and saw his paint lying in the courtyard outside the house, the amount kept in the paint Rs. 16,000/- was not in it. After lodging of FIR, some recovery of cash has been made. Thereafter, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question.

He further submits that charge-sheet has been filed and the other co-accused have been granted bail in MCRC Nos. 5068/2019 and 5287/2019. The applicant is in jail since 27.04.2018, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the other co-accused have been granted bail in MCRC Nos. 5068/2019 and 5287/2019. The applicant is in jail since 27.04.2018 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge